

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

APPLICANT : HIDECHIKA OKADA
SERIAL NO : 10/520,016
FILED : 10/20/2005
EXAMINER : NICOLE ERIN KINSEY WHITE
CONFIRMATION NO. : 9451
ATTORNEY DOCKET NO. : 3348/2
FOR : HUMAN IGM ANTIBODY LYSING ACTIVATED
LYMPHOCYTES UNDER MEDIATION BY
HOMOLOGOUS COMPLEMENT

PETITION UNDER 37 CFR 1.135

Petition to Withdraw Holding of Abandonment

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Petition is in regards to a Notification of Abandonment which was incorrectly entered in this case on February 22, 2007. The Notification of Abandonment stated that Applicant failed to respond to the Notification of Missing Requirements mailed November 7, 2006.

The Notification of Abandonment was issued in error by the Patent Office according to a telephone conversation with Sue Wolski (Ref. #1-73300338) on March 7, 2007. Ms. Wolski informed Applicant that the "Notification to Comply with Requirements for Patent Applications Containing Nucleotides and/or Amino Acid Sequence Disclosures" allowed for Extensions of time through May 7, 2007 and the Notification of Abandonment did not factor in these extensions. Applicant responded via an Amendment filed on May 7, 2007.

Applicant was of the understanding that the Notice of Abandonment would be withdrawn, but discovered during a routine status check in December 2008 that the case was still abandoned.

Applicant : HIDECHIKA OKADA
Serial No. : 10/520,016
Petition Dated : 03/16/2009
Page No. : 2

Applicant subsequently called Examiner Wolski many times during the months of January and February 2009 to discuss Applicant's options. During a follow up status check on March 13, 2009, Applicant did note that the application had been moved to Pre-Examination Processing and assigned to Examiner Nicole Erin Kinsey White. Applicant called Examiner White on March 13, 2009, and was told by Examiner White that Applicant needed to file a Petition to Withdraw Holding of Abandonment under MPEP 711.03(c) so that Examiner White would be able to proceed with the application.

Accordingly, Applicant petitions the United States Patent and Trademark Office to withdraw the abandonment under 37 CFR 1.135.

If any additional requirements are necessary for granting of this Petition, please contact the undersigned attorney.

Respectfully submitted,

/Justin R. Nifong/

Justin R. Nifong
Reg. No. 59,389
Attorney for Applicant

ADAMS INTELLECTUAL PROPERTY LAW, P.A.
Suite 2350 Charlotte Plaza
201 South College Street
Charlotte, North Carolina 28244
Tel: (704) 375-9249
Fax: (704) 375-0729
E-Mail: jrn@adamspat.com

Docket No. 3348/2